

Application No.: 10/020,592
Filing Date: December 12, 2001
Docket No: 760-46 CIP/PCT/USA/CON2
Page 2

REMARKS

Claims 25-35, 45 and 46 are allowed. Claims 43 and 44 are objected to as depending upon a rejected base claim, but would be allowable if rewritten in independent form.

The indication of allowable subject matter by the Examiner is gratefully acknowledged.

Claims 41 and 42 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,969,458 to Wiktor. This determination is respectfully traversed.

Independent claim 41 is directed to a method of forming a stent delivery device including the steps of providing a catheter having an inflatable portion, placing a stent on the inflatable portion and releasably retaining the stent to inflatable portion in depressions formed therein.

The Examiner contends that Wiktor discloses a method of forming a stent delivery device where in the Figure 2 embodiment of Wiktor, the loops 6 of stent 1 are shown retained in depressions in a balloon. However, Figure 2 of Wiktor merely shows curved end portions (reversing loops) of the stent 6 lying against the surface of the balloon 7. While these end portions may push the stent material down as indicated by the stress lines shown in Figure 2, there is no clear disclosure in Figure 2, nor elsewhere in the specification of Wiktor of the stent being releasably retained in the depressions formed therein.

Application No.: 10/020,592
Filing Date: December 12, 2001
Docket No: 760-46 CIP/PCT/USA/CON2
Page 3

The Examiner further cites to column 3, lines 24-28 of Wiktor which describes that the reversing loops of the stent are "lightly crimped" so that the loops grip the balloon to provide sufficient friction to prevent the stent from sliding and slipping. While this may be the case, there is no disclosure whatsoever of providing depressions in the balloon where the stent is releasably retained within the depressions. Rather, Wiktor relies on light crimping of the stent itself so that it frictionally grips the balloon. This is substantially different from the claimed subject matter where depressions are formed in the balloon to retain the stent therein.

In order for a reference to be anticipatory, the claimed process, including each step thereof, must be described in a single reference. *Glaverbel Society Anonyme v. Northlake Marketing & Supply Inc.*, 45 F.3d 1550, 33 U.S.P.1. 2d 1496 (Fed. Cir. 1995). Claim 41 clearly recites releasably retaining the stent to the inflatable portion in depressions formed therein. As Wiktor does not clearly disclose depressions formed in the balloon which retain the stent, Wiktor cannot be anticipatory of claim 41. Accordingly, claim 41, as well as claim 42 which depends therefrom, is believed to patentably distinct over Wiktor.

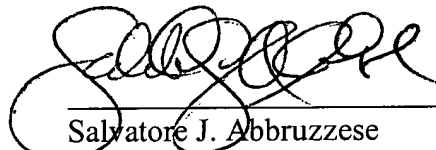
The application, including claims 25-45, is therefore believed to be in condition for allowance. Favorable action thereon is respectfully solicited.

Application No.: 10/020,592
Filing Date: December 12, 2001
Docket No: 760-46 CIP/PCT/USA/CON2
Page 4

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 20-0776. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Should the Examiner have any questions or comments with regard to the application or this amendment, the Examiner is respectfully requested to contact undersigned counsel.

Respectfully submitted,



Salvatore J. Abbruzzese
Registration No.: 30,152
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700